

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 79

DENTISTS AND DENTAL HYGIENISTS

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## SUBCHAPTER 1

### GENERAL PROVISIONS

§16-79-1 Objective. This chapter adopted by the board of dental examiners, hereafter referred to as "board," is intended to clarify and implement chapters 447 and 448 of the Hawaii Revised Statutes, to the end that the provisions thereunder may be best effectuated. [Eff 7/2/64; am and ren §16-79-1, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §448-6)

§16-79-2 Supervision. "Supervision" means prescribing objectives and procedures and assigning work, provided that the person supervising shall be a dentist licensed in Hawaii. The levels of supervision are defined as follows:

- (1) "Direct supervision" means that the licensed supervising dentist examines and diagnoses the condition to be treated, personally authorizes each procedure, remains in the dentist's office or in any facility defined in section 447-3, HRS, while the procedures are being performed, and before dismissal of the patient, evaluates the performance of the dental auxiliary; and

- (2) "General supervision" means that the licensed supervising dentist examines and diagnoses the condition to be treated, is familiar with the patient's medical and dental history, and personally authorizes each procedure to be carried out in accordance with the dentist's diagnosis and treatment plan in the dentist's office. The presence of the supervising dentist is not required; provided the dentist shall be available for consultation. In the case of programs under the supervision and control by the department of health or in any facility defined in section 447-3, HRS, the foregoing shall not apply except that a dentist shall be available for consultation, and the procedures used shall have been prescribed by a dentist and otherwise be authorized by law. [Eff 7/2/64; am and ren §16-79-2, 2/13/81; am 1/27/86; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §§447-1, 448-12)

§16-79-3 Renewal of license. The holder of an expired license may have it restored within three years of the date of expiration upon due application therefor and payment of all required fees. The holder of an expired license may have the license restored after three years from the date of expiration upon due application therefor and payment of the required fees, provided the applicant can establish to the satisfaction of the board that the applicant is qualified to practice. [Eff 7/2/64; am and ren §16-79-3, 2/13/81; comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §§447-1, 448-7)

§16-79-4 Place of business. No person, other than a licensee, shall own, maintain, operate, manage, or conduct as a manager, proprietor, conductor, or otherwise a place where dental operations are performed, except as provided in sections 448-3 and 448-15, HRS. [Eff 7/2/64; am and ren §16-79-4, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §§447-1, 448-3, 448-15)

§16-79-5 Prosthetic appliances. A licensed dentist shall provide a written work order on a form approved by the board, authorizing the making or repair of artificial restorations, substitutes, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, traction, fracture, injury to the jaws, teeth, lips, gum, cheeks, palate, or associated tissues or parts, from casts, models, or impressions and shall keep a file copy of written work orders for a period of at least one year. The work order shall be dated and signed by the

dentist and include the dentist's registration number and the name and address of the dental laboratory. [Eff 7/2/64; am 2/24/67; am and ren §16-79-5, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §§448-1, 448-3)

§16-79-6 Approved mouth washes. Any preparation listed as an acceptable mouth wash in the latest edition of "Accepted Dental Therapeutics" published by the American Dental Association Council on Dental Therapeutics is approved for use by dental hygienists. [Eff 7/2/64; am and ren §16-79-6 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §447-3)

§16-79-7 Approved apron. An apron, preferably with cervical collar, with .25 mm lead equivalent shall be the minimum shielding for dental radiographic procedures. [Eff and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §448-1.5(b))

## SUBCHAPTER 2

### APPLICATIONS

§16-79-9 Who may apply. A person applying for licensure to practice dentistry shall comply with the following requirements:

- (1) Be eighteen years of age or more;
- (2) Submit a written application for licensure and to take the state dental licensure examination, supported by appropriate documentation and credentials, to the executive secretary of the board not later than sixty days prior to the date of the scheduled examination;
- (3) Remit application and examination fees;
- (4) Furnish evidence of having successfully completed the National Board Dental Examination and receive a National Board Certificate within the past five years prior to the date of the state written and practical examination on dentistry; and
- (5) Be a graduate from a dental college accredited by the Council of Dental Education of the American Dental Association, recognized and approved by the board; or
- (6) Be a graduate from a foreign dental school not accredited by the American Dental Association and a permanent resident of the

United States. [Eff and comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §§448-9, 448-10)

§16-79-10 Application forms. (a) All applications shall be made on the forms as prescribed by the board. No application shall be deemed complete which does not set forth all the information relative to the applicant required by said forms and this chapter. The responsibility for submitting a complete application is solely that of the applicant.

- (b) The following forms are currently in use by the board:
  - (1) Application for examination in dentistry;
  - (2) Application for temporary license to practice dentistry;
  - (3) Application for reexamination in dentistry;
  - (4) Application for permit to administer general anesthesia;
  - (5) Application for examination in dental hygiene;
  - (6) Application for temporary license to practice dental hygiene;
  - (7) Application for reexamination in dental hygiene; and
  - (8) Application for dental hygiene certification in the administration of intra-oral infiltration local anesthesia.

The aforementioned forms may be modified from time to time as required. [Eff 7/2/64; am and ren §16-79-10, 2/13/81; am and comp 2/9/89; am and comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §§448-9, 448-10)

§16-79-11 Documentation and credentials. (a) All applicants for a dental or dental hygiene license shall submit an unmounted photograph of the applicant's head and shoulders only, approximately two inches by two inches in size and taken not more than four months before the date of the application.

(b) All dental licensure applicants shall furnish evidence of having successfully completed and passed parts I and II of the examination of the National Board of Dental Examiners. The applicant must have passed part II within the past five years prior to taking the State written and practical examination on dentistry.

(c) Graduates of accredited dental schools, who are not licensed in another state, shall also submit as evidence for the completion of the courses of dental instruction required for graduation, a photostat or certified copy of a dental diploma or dental degree, or a certificate of graduation bearing the signature and seal of the dean or registrar of the dental school. Applicants licensed in another state shall submit a certificate attesting to licensure bearing the signature and seal of the executive secretary of the board of dental examiners of that state.

(d) Graduates from a foreign dental school not accredited by the American Dental Association shall also submit the following documentation and credentials:

- (1) A complete transcript of the academic and clinical dental school record of the applicant, authenticated by either the president, secretary, dean, or registrar of the educational institution. The transcript shall be accompanied by an affidavit showing to the satisfaction of the board that the applicant is the person named in each transcript submitted, that the transcript is a true recital of the full number of academic years of undergraduate courses required for graduation, that such courses of professional instruction in dentistry were accomplished in a resident course of instruction;
- (2) A legible, true copy of the dental diploma or dental degree conferred upon the applicant as evidence of the completion of the courses of dental instruction required for graduation, authenticated by either the president, secretary, dean, or registrar of the educational institution. The diploma or degree shall be accompanied by an affidavit showing to the satisfaction of the board that the applicant is the person named in the document, that the applicant is the lawful holder, and that it was procured in the regular resident course of instruction and examination without fraud or misrepresentation; and
- (3) Certification by the licensing authority of the governmental jurisdiction, wherein is located the foreign institution from which the applicant was graduated that the applicant has been admitted or licensed to practice dentistry in that foreign state, country, or political subdivision.

(e) An applicant for a dental hygiene license shall provide the board with a photostat or certified copy of a dental hygiene school diploma or certificate of graduation or a certified transcript of completion from a dental hygiene school accredited by the American Dental Association Commission on Dental Accreditation. [Eff 7/2/64; am and ren §16-79-11, 2/13/81; am and comp 2/9/89; am and comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §§448-9, 448-10)

§16-79-12 Applications for temporary license. An application for temporary license may be filed at the same time as an application for examination. [Eff 7/2/64; am and ren §16-79-12, 2/13/81; comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §§447-2, 448-12)



§16-79-13 Application for permit to practice dentistry. The executive secretary of the board shall issue a permit to any qualified applicant desiring to practice dentistry at meetings of the Hawaii Dental Association, Hawaii Dental Hygienists Association, or component parts thereof, alumni meetings of dental colleges, or any other dental organizations while appearing as clinicians. [Eff 7/2/64; am and ren §16-79-13, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §448-1)

§16-79-14 Denial of application. In the event an application for the issuance or renewal of a license or permit or for the reinstatement thereof is denied, the board shall notify the applicant or licensee by letter of the board's action which shall include a concise statement of the reasons therefor and a statement informing the applicant or licensee of the right to a contested case hearing pursuant to chapter 91, HRS. Any applicant, who has been denied licensure as a result of the board's determination that the applicant has failed the dental licensure examination, may also seek an informal review of the applicant's examination performances pursuant to section 16-79-110. [Eff 7/2/64; am and ren §16-79-14, 2/13/81; am and comp 2/9/89; am and comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §§447-1, 447-7, 448-1, 448-17, 448-18)

§16-79-15 Contested case hearing. Any person whose application for a license or permit or whose application for the renewal or reinstatement of a license or permit has been denied by the board shall be entitled to a contested case hearing after notice of the denial provided that the request for a contested case hearing shall be conducted pursuant to chapter 16-201, the rules of practice and procedure of the department of commerce and consumer affairs, and is filed with the board within sixty days of the date of the board's notice of the refusal or denial. [Eff 7/2/64; am and ren §16-79-15, 2/13/81; am and comp 2/9/89; am and comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §§447-1, 447-7, 448-1, 448-17, 448-18)

§16-79-16 Repealed. [R 2/9/89]

### SUBCHAPTER 3

§16-79-20 Repealed. [R 2/9/89]

§16-79-21 Repealed. [R 8/20/90]

§16-79-22 Repealed. [R 8/20/90]

§16-79-23 Repealed. [R 2/9/89]

§16-79-24 Repealed. [R 8/20/90]

#### SUBCHAPTER 4

§16-79-28 Repealed. [R 8/20/90]

§16-79-29 Repealed. [R 8/20/90]

§16-79-30 Repealed. [R 8/20/90]

§16-79-31 Repealed. [R 8/20/90]

§16-79-32 Repealed. [R 2/9/89]

§16-79-33 Repealed. [R 8/20/90]

#### SUBCHAPTER 5

#### DENTAL HYGIENE SCHOOLS

§16-79-40 Approved dental hygiene schools. It is the policy of this board to approve only those schools for dental hygiene which have been accredited by the American Dental Association Commission on Dental Accreditation. [Eff 7/2/64; am and ren §16-79-40, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §§447-1, 447-5)

§16-79-41 School for dental hygiene defined. The board defines a school for dental hygienists as a nonprofit organization, affiliated with or conducted by an approved dental school or other responsible educational agency established on a nonprofit basis, which conducts a course for the training of dental hygienists covering a minimum of two academic years and leading to a certificate of graduation. [Eff 7/2/64; am and ren §16-79-41, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §§447-1, 447-5)

§16-79-42 Repealed. [R 2/9/89]

§16-79-43 Repealed. [R 2/9/89]

§16-79-44 Repealed. [R 2/9/89]

§16-79-45 Repealed. [R 2/9/89]

§16-79-46 Repealed. [R 2/9/89]

§16-79-47 Repealed. [R 2/9/89]

§16-79-48 Repealed. [R 2/9/89]

§16-79-49 Repealed. [R 2/9/89]

§16-79-50 Repealed. [R 2/9/89]

## SUBCHAPTER 6

### PROFESSIONAL CORPORATIONS

§16-79-54 Approval of name. All names of professional corporations, including fictitious names, shall be approved by the board.

Corporate names shall not connote or imply any relationship either directly or indirectly with any governmental agencies (municipal, state, or federal), union or labor organizations, trade groups, hospitals, clinics, service organizations, church or religious sects, schools or colleges, hospitals, clinics, medical or dental insurance or prepayment organizations, medical or dental material manufacturing business corporations or companies, nor shall it imply that it is connected with any race or racial organizations, student leagues, fraternities or sororities, or imply the use of specialized techniques. Any word or words that imply superiority, directly or indirectly, are prohibited. [Eff 1/25/70; am and ren §16-79-54, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §§415A-8, 448-6) (Imp: HRS §415A-8)

§16-79-55 Restricted to licensee. The name of a professional corporation shall not contain the name of a person who is not licensed by the board. If the name of a dentist appears in the name of the professional corporation and the dentist's association with the corporation is terminated by resignation, retirement, or otherwise, the name shall be deleted. [Eff 1/25/70; am and ren §16-79-55, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §§415A-8, 448-6) (Imp: HRS §415A-8)

§16-79-56 Report of changes. A professional corporation shall within thirty days report to the board in writing any change in directors, officers, employees performing professional services, and share ownership, and amendments to its articles of association and by-laws. [Eff 1/25/70; am and ren §16-79-56, 2/13/81; comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §415A-9)

§16-79-57 Annual report. On or before December 31 of each year, every professional corporation shall file an annual report, in a form provided by the board, giving the name and address of the corporation, the names and addresses of the corporation officers, directors, shareholders, and employees who shall

render professional services. [Eff 1/25/70; am and ren §16-79-57, 2/13/81; comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §415A-22)

§16-79-58 Application form. Application for a license by a professional corporation shall be filed in a form as provided for by the board. [Eff 1/25/70; am and ren §16-79-58, 2/13/81; comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §448-6)

§16-79-59 Repealed. [R 2/9/89]

§16-79-60 By-laws. The by-laws of a professional corporation shall include a provision whereby the capital stock of the corporation owned by a disqualified person, or a deceased person, shall be sold to the corporation or the remaining shareholders of the corporation within the time provided in section 415A-10, HRS. [Eff 1/25/70; am and ren §16-79-60, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §415A-10)

§16-79-61 Repealed. [R 2/9/89]

§16-79-62 Shareholders. All shareholders shall be residents of this State. Individual corporations may decide whether they wish to incorporate with shareholders on other islands. [Eff 1/25/70; am and ren §16-79-62, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §415A-9)

§16-79-63 Pension funds. Pension funds of the professional corporation shall not be invested in another licensed profession. [Eff 1/25/70; am and ren §16-79-63, 2/13/81; comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §448-6)

## SUBCHAPTER 7

### DENTAL AUXILIARIES

§16-79-67 Definitions. The categories of dental auxiliaries and some of the functions involved with direct service to patients are as follows:

"Certified dental hygienist" (CDH) means a licensed dental hygienist who has successfully completed board approved post-licensing clinical and didactic training or similar training while in dental hygiene school and has been certified by the board to perform specific expanded functions.

"Coronal polishing" means a procedure limited to the removal of plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with rubber cup or brush and pumice or similar polishing agent.

"Dental assistant (DA)" means a nonlicensed person, who may perform dental supportive procedures authorized by the provisions of this chapter under the supervision of a licensed dentist.

"Dental hygienist (DH)" means one who is qualified and licensed to practice dental hygiene as provided in chapter 447, HRS.

"Oral prophylaxis" means the preventive dental procedure of scaling and polishing, which includes complete removal of calculus, soft deposits, plaque, stains, and the smoothing of unattached tooth surfaces. The objective of this treatment shall be the creation of an environment in which hard or soft tissues can be maintained in good health by the patient.

"Periodontal soft tissue curettage" means the closed removal of diseased or necrotic tissue lining the periodontal pocket, not involving the reflection of a flap.

"Preliminary oral screening" means a study of all the structures of the oral cavity to make a determination if dental services may be necessary.

"Root planing" means the process of instrumentation by which the unattached surfaces of the root are made smooth by the removal of calculus and other irregularities. [Eff 11/21/74; am and ren §16-79-67, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §§447-3, 448-3)

§16-79-68 Repealed. [R 2/9/89]

§16-79-69 Repealed. [R 2/9/89]

§16-79-69.1 Allowable duties for a dental assistant. A dental assistant may perform the following supportive dental procedures under the direct supervision of a licensed dentist:

- (1) Retract a patient's cheek, tongue, or other parts of tissues during a dental procedure;

- (2) Place and remove a rubber dam;
- (3) Conduct a mouth-mirror oral inspection, reporting observations to the supervising dentist;
- (4) Remove debris as is normally created and accumulated during or after operative procedures by the dentist by the use of vacuum devices, compressed air, mouth washes, and water;
- (5) Provide any assistance, including the placement of material in a patient's oral cavity in response to the specific direction of a licensed dentist who is actually performing a dental procedure on the patient;
- (6) Removal of post-extraction dressings;
- (7) Removal of sutures;
- (8) Placement of matrix retainers for alloy and composite restorations after a dentist has prepared the cavity;
- (9) Take impressions for study casts;
- (10) Removal of excess cement after a dentist has placed a permanent or temporary inlay, crown, bridge, appliance or orthodontic bands with hand instruments only;
- (11) Place non-aerosol and non-caustic topical anesthetics;
- (12) Place and remove orthodontic separators;
- (13) Take intra-oral measurements for orthodontic procedures;
- (14) Check for loose bands and bonded brackets;
- (15) Placement and removal of ligature ties;
- (16) Removal of arch wires;
- (17) Fitting and removal of head appliances;
- (18) Placement and removal of inter-arch elastics (i.e., chain elastics and rubber bands);
- (19) Preliminary selecting and sizing of bands;
- (20) Patient education in oral hygiene;
- (21) Take, expose, and develop radiographs;
- (22) Take intra-oral and extra-oral photographs;
- (23) Take and record blood pressure and vital signs;
- (24) Relate pre- and post-operative instructions; and
- (25) Monitoring of nitrous oxide/oxygen analgesia. [Eff and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §448-3)

§16-79-69.5 Prohibited duties of dental assistants. A dental assistant shall not perform the following functions or any other activity which represents the practice of dentistry or requires the knowledge, skill, and training of a licensed dentist or dental hygienist:

- (1) Diagnosis and treatment planning;
- (2) Surgical or cutting procedures on hard or soft tissues, or extraction of teeth;
- (3) Placement, condensation, carving, finishing, or adjustment of final restorations; placement of pulp capping materials and cement bases; or any cementation procedure;
- (4) Prescription or injection of drugs;
- (5) Administration of injectable or general anesthesia and acupuncture;
- (6) Any intra-oral procedure which would lead to the fabrication of any appliance or prosthesis which, when worn by the patient, would come in direct contact with hard or soft tissues;
- (7) Adjust or attempt to adjust any prosthodontic or correctional appliance to be worn in the mouth;
- (8) Placing of retractions cords or other devices for tissue displacement for crown and bridge impressions;
- (9) Cementation or bonding of any fixed prosthetic or orthodontic appliance;
- (10) Use of ultrasonic equipment to remove cement or calculus;
- (11) Prophylaxis or removal of stains, accretions, or deposits from the teeth;
- (12) Coronal polishing with a rubber cup or brush;
- (13) Polishing of restorations;
- (14) Irrigation, medication, or drying of canals; reaming, filing, trying in cones, or filling of root canals; or establish length of tooth;
- (15) Test pulp vitality;
- (16) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of human teeth or jaws or adjacent structure;
- (17) Intra-orally adjust occlusion of inlays, crowns, bridges, or any restoration;
- (18) Intra-orally finish margins of inlays, crowns, or bridges;
- (19) Cement or recement permanently any cast restoration or stainless steel crown;
- (20) Elevate soft-tissue flaps;
- (21) Establish occlusal vertical dimension for dentures;
- (22) Try-in of dentures set in wax;
- (23) Curette to sever epithelial attachment;
- (24) Insertion and post-insertion adjustments of dentures;
- (25) Suture; and



- (26) Write a prescription for authorization to fabricate restorative prosthodontic, or orthodontic appliances. [Eff and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §448-3)

§16-79-69.10 Allowable duties of dental hygienists. A duly licensed dental hygienist may perform clinical dental hygiene as delineated under section 447-3, HRS, and all duties of a dental assistant. Unless allowed under section 447-3(c), HRS, the following shall be performed only under the direct supervision of a licensed dentist:

- (1) Remove overhangs;
- (2) Periodontal soft tissue curettage;
- (3) Root planing;
- (4) Applying pit and fissure sealants;
- (5) Ultrasonic instrumentation; and
- (6) Place, remove periodontal dressing. [Eff and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §447-3)

§16-79-69.15 Prohibited duties of dental hygienists. No dentist shall allow a dental hygienist who is in the dentist's employ or is acting under the dentist's supervision or direction to perform any of the procedures disallowed for dental assistants except for those duties specifically allowed for dental hygienists in section 447-3, HRS, and in this chapter. [Eff and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §447-3)

§16-79-70 Repealed. [R 2/9/89]

§16-79-71 Penalty. Any person or association practicing dentistry in the State who fails to comply with or makes false statements to provisions of this chapter shall be guilty of a failure to comply with chapter 448, HRS, and shall be punished as provided in this chapter. [Eff 11/21/74; am and ren §16-79-71, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §448-3)

## SUBCHAPTER 8

## ANESTHESIA

§16-79-75 Definitions. For purposes of this subchapter, the following definitions are applicable:

"Analgesia" means the diminution or elimination of pain in a conscious patient.

"General anesthesia" means the elimination of all sensations, accompanied by a state of unconsciousness.

"Licensed dentist" means a person who is licensed and registered to practice dentistry in the State of Hawaii.

"Local anesthesia" means the elimination of sensations, especially pain, in one part of the body by topical application or regional injection of a drug.

"Sedation" means the calming of a nervous, apprehensive individual by use of systemic drugs, without inducing loss of consciousness. These drugs may be given orally, parentally, or by inhalations. [Eff 10/7/76; am and ren §16-79-75, 2/13/81; comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §448-1)

§16-79-76 Local anesthesia. Any licensed dentist or dental hygienist, so certified, may administer local anesthesia utilizing proper dental procedures. [Eff 10/7/76; am and ren §16-79-76, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §448-1)

§16-79-77 Drugs for sedation and analgesia. A licensed dentist may administer drugs for intravenous conscious sedation and nitrous oxide relative analgesia sedation by itself or in conjunction with local anesthesia, provided that the dentist has first obtained certified documentary evidence to be kept in the dentist's place of practice indicating that the dentist has successfully completed a course of study in these procedures, which course of study, and school or institution of learning sponsoring the course of study, has been approved or accredited by the American Dental Association (hereinafter referred to as "A.D.A." Council of Dental Education.

In lieu of graduation from an approved institution, or certificate of completion, the board may accept in its discretion, other evidence of completed study or learning, based upon the criteria established by the A.D.A. Council of Dental Education. [Eff 10/7/76; am and ren §16-79-77, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §448-1)

§16-79-78 General anesthesia. (a) No dentist shall administer or employ another person to administer general anesthesia on an outpatient basis for dental patients, unless the dentist possesses written authorization from the board.

(b) In order to receive written authorization, the licensed dentist shall apply to the board, pay an application fee, and submit documentary evidence showing that the following requirements are met:

- (1) Educational training requirements.
  - (A) Applicant has completed a minimum of one year of advanced academic study (or its equivalent) beyond the undergraduate dental school level in a training program as described in part 2 of the Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry adopted by the A.D.A. Council of Education; or
  - (B) Applicant is a Diplomate of the American Board of Oral and Maxillofacial Surgery, or is eligible for examination by the American Board of Oral and Maxillofacial Surgery, or is a member of the American Association of Oral and Maxillofacial Surgeons; or
  - (C) Applicant is a Fellow of the Dental Society of Anesthesiology; or
  - (D) In lieu of the requirements in subparagraphs (A), (B) or (C), a licensed dentist may receive written authorization to have general anesthesia used at the dentist's place of practice, if the licensed dentist employs or works in conjunction with a trained M.D. or D.O., who is a member of the anesthesiology staff of an accredited hospital, provided that the anesthesiologist shall remain on the premises of the dental facility until any patient given a general anesthetic regains consciousness; and
- (2) Facilities and staff requirements. Applicant has a properly equipped facility for the administration of general anesthesia staffed with a supervised team of auxiliary personnel capable of reasonably handling anesthesia procedures, problems, and emergencies incident thereto. Adequacy of the facility and competence of the anesthesia team may be determined by the consultants appointed by the board as outlined below in this chapter.

(c) Prior to the issuance of the written authorization, the board may, at its discretion, require an on-site inspection of the facility, equipment, and personnel to determine whether the facilities and staff requirements have been met. This evaluation to determine whether the facility is adequate and properly equipped, may be carried out in a manner and generally following the guidelines,

standards, requirements, and basic principles as described in the American Society of Oral Surgeons Office Anesthesia Emergency Self Evaluation Manual. The inspection and evaluation shall be carried out by a team of consultants appointed by the board.

(d) The board shall appoint a team of advisory consultants to conduct the on-site inspection and evaluation of the facilities, equipment, and personnel of a licensed dentist applying for written authorization to administer or to employ another person to administer general anesthesia. The advisory consultants shall also aid the board in the adoption of criteria and standards relative to the regulation and control of general anesthesia.

(e) A licensed dentist who has received written authorization to administer or to employ another to administer general anesthesia shall renew the authorization biennially and pay a biennial fee.

(f) The board may, at any time, reevaluate the credentials, facilities, equipment, personnel, and procedures of a licensed dentist who has previously received written authorization from the board to determine if the dentist is still qualified to have written authorization. If the board determines that the licensed dentist is no longer qualified to have written authorization, it may revoke or refuse to renew the authorization, after an opportunity for a hearing is given to the licensed dentist.

(g) A licensed dentist, who has received written authorization to administer general anesthesia and who has qualified for written authorization pursuant to subsection (b)(1)(A) through (C) may have a practicing certified nurse anesthetist administer general anesthesia to a patient for the licensed dentist, provided the licensed dentist is present at all times and supervises the procedures. [Eff 10/7/76; am and ren §16-79-78, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-6) (Imp: HRS §448-1)

§16-79-79 Reporting of adverse occurrences. (a) All licensed dentists in the practice of dentistry in this State shall submit a report within a period of thirty days to the board of any mortality or other incident occurring in the outpatient facilities of the dentist which results in temporary or permanent physical or mental injury requiring hospitalization of a patient during, or as a direct result of anesthesia related thereto. The report shall include at the minimum responses to the following:

- (1) Description of dental procedure;
- (2) Description of physical condition of patient unless Class I (as adopted by the American Society of Anesthesiologists);
- (3) List of drugs and dosage administered;

- (4) Detailed description of techniques utilized in administering the drugs utilized;
  - (5) Description of adverse occurrence:
    - (A) Symptoms of any complications, to include but not limited to onset, and type of symptoms of the patient;
    - (B) Treatment instituted on the patient;
    - (C) Response of the patient to the treatment;
  - (6) Description of the patient's condition on termination of any procedure undertaken.
- (b) Failure to comply with subsection (a) when the occurrence is related to the use of general anesthesia shall result in the loss of the written authorization of the licensed dentist to administer or to employ another person to administer general anesthesia. [Eff 10/7/76; am and ren §16-79-79, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §448-7) (Imp: HRS §448-1)

## SUBCHAPTER 9

### FEES

§16-79-83 Fees. The license and examination fees for dentists and dental hygienists board shall be as provided in chapter 16-53, relating to fees for boards and commissions. [Eff 11/7/64; am 8/3/70; am 10/26/70; am and ren §16-79-83, 2/13/81; am and comp 2/9/89; comp 8/20/90] (Auth: HRS §92-28) (Imp: HRS §92-28)

## SUBCHAPTER 10

### PRACTICE AND PROCEDURE

§16-79-84 Administrative practice and procedure. The rules of practice and procedure for dentists and dental hygienists shall be as provided in chapter 16-201, the rules of practice and procedure of the department of commerce and consumer affairs which are incorporated by reference and made a part of this chapter. [Eff and comp 2/9/89; comp 8/20/90] (Auth: HRS §§91-2, 448-6) (Imp: HRS §§91-2, 448-18)

## SUBCHAPTER 11

### ORAL TESTIMONY

§16-79-85 Oral testimony. (a) The board shall accept oral testimony on any item which is on the agenda, provided that the testimony shall be subject to the following conditions:

- (1) Each person seeking to present oral testimony shall so notify the board not later than forty-eight hours prior to the meeting, and at that time shall state the item on which testimony is to be presented;
- (2) The board may request that any person providing oral testimony submit the remarks, or a summary of the remarks, in writing to the board;
- (3) The board may rearrange the items on the agenda for the purpose of providing for the most efficient and convenient presentation of oral testimony;
- (4) Persons presenting oral testimony shall identify themselves and the organization, if any, that they represent at the beginning of the testimony;
- (5) The board may limit oral testimony to a specified time period but in no case shall the period be less than five minutes, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and
- (6) The board may refuse to hear any testimony which is irrelevant, immaterial, or unduly repetitious to the agenda item on which it is presented.

(b) Nothing in this section shall require the board to hear or receive any oral or documentary evidence from a person on any matter which is the subject of another proceeding pending subject to the hearings relief, declaratory relief or rule relief provisions of chapter 16-201.

(c) Nothing in this section shall prevent the board from soliciting oral remarks from persons present at the meeting or from inviting persons to make presentations to the board on any particular matter on the board's agenda. [Eff and comp 2/9/89; comp 8/20/90] (Auth: HRS §§92-3, 448-6) (Imp: HRS §§92-3, 448-6)

## SUBCHAPTER 12

## LICENSURE EXAMINATION

Historical Note: Subchapter 12 is based substantially upon Subchapter 4 and §16-79-28, §16-79-29, §16-79-30, §16-79-31, and §16-79-33. [Eff 7/2/64; am 11/21/74; am and ren §16-79-33, 2/13/81; am and comp 2/9/89; R 8/20/90]

§16-79-90 State dental licensure examination requirements. (a) Every eligible applicant for a dental license shall take and pass a state written and practical examination on dentistry upon providing a National Board Certificate evidencing successful completion of the National Board Dental Examination within the past five years prior to the date of the state examination.

(b) The written examination will include sections on infection control, oral diagnosis, treatment planning, and dental materials that shall test the applicant's ability to recognize and institute treatment on oral pathology, as well as to test the applicant's knowledge, understanding and judgment in diagnosis, oral medicine, radiology and comprehensive treatment planning.

(c) The practical (operative and clinical simulation) examination shall include the following sections:

- (1) Operative
  - (A) Amalgam procedure (preparation and restoration);
  - (B) Composite procedure (preparation and restoration); and
  - (C) Differentiation evaluations.
- (2) Clinical simulation
  - (A) Crown and bridge on a mannequin:
    - (i) The board will elect and advise applicants on the day of the clinical simulation examination to perform either a porcelain fused to metal preparation; or, a three-fourth crown preparation; or, an onlay preparation;
    - (ii) Full crown preparation; and
    - (iii) Full crown wax-up.
  - (B) Class II amalgam preparation on a mannequin;
  - (C) Endodontics (anterior and posterior) on extracted teeth; and
  - (D) Differentiation evaluations. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-91 Restorative technique examination for graduates of nonaccredited foreign dental schools. (a) A graduate of a foreign dental school

not accredited by the American Dental Association shall apply to take a restorative technique examination upon providing a National Board Certificate evidencing successful completion of the National Board Dental Examination within the past five years prior to the date of the state dental licensure examination.

(b) The restorative technique examination shall include cavity preparations and restorations for amalgam and composite procedures that will be performed on a mannequin. The examination shall also include a differentiation test which will test the applicant's knowledge of basic dentistry.

(c) Following the successful completion of the restorative technique examination, a graduate of a foreign dental college is then eligible to take the state written and practical examination on dentistry. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-92 Departmental examination personnel. (a) The department shall provide and supervise the following persons to assist in the administration of the dental licensure examination:

- (1) Clinical check-in monitor;
- (2) Simulation check-in monitor;
- (3) Clinical area monitor;
- (4) Messengers (clinical and grading area);
- (5) Simulation area monitor;
- (6) Laboratory technician;
- (7) Repair technician;
- (8) Entry/exit grading area monitor;
- (9) Grading monitor;
- (10) Recorders;
- (11) Security technician; and
- (12) Examination monitor.

(b) All persons assisting in the administration of the dental licensure examination shall be under the direct supervision of the examination monitor; except that the grading monitor, recorders, and the grading area messengers shall be under the direct supervision of the person designated as the supervisor of graders during the examination and while in the grading area.

(c) The examination monitor shall ensure that each person involved in the administration and grading of the licensure examination shall comply with the job descriptions detailing that person's responsibilities and duties. The detailed job descriptions for all persons involved in the administration and grading of the licensure examination shall be established and provided to each such person prior to the examination. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)



§16-79-93 Administration of the examination; duties of board; duties of department; disqualification. (a) Unless otherwise provided by law or by this chapter, the board shall be responsible for determining the content and requirements for the dental licensure examination, the proper management of patients, and all matters related to grading of dental performances by examination applicants. The board shall designate a board member who is a dentist, or any other qualified dentist familiar with the anonymous testing procedures provided by this chapter, to perform the following responsibilities:

- (1) Clinical floor coordinator. This coordinator shall be a nongrading board member or designate by the board who shall ensure that the anonymous testing procedures and the specific examination instructions for the entire examination are followed. The clinical floor coordinator (CFC) is primarily responsible for the supervision of all matters relating to patient management and the actual dental performances by an examination applicant during the examination. The CFC shall also consider and note on the applicant's examination worksheet any request from the applicant for a deviation from the ideal cavity preparation, the placement of a cement base, or for an extension of time to complete a dental procedure. The recognition of a possible pathological exposure by the applicant or the failure to complete a required procedure within the allotted time shall also be noted by the CFC on the worksheet. The CFC shall monitor or observe the entire clinical and laboratory areas of the clinic but shall be prohibited from entering the grading area. Whenever a situation arises that may require direct communication with the graders, the CFC shall confer with the grading supervisor in the presence of the entry/exit grading area monitor. The CFC may also disqualify an applicant whenever the applicant has failed to abide by the examination procedures and this chapter.
- (2) Simulation floor coordinator. This coordinator shall be a nongrading board member or designate by the board who shall assist the clinical floor coordinator to ensure that the anonymous testing procedures and the specific examination instructions related to the clinical simulation sections of the examination are followed. The simulation floor coordinator (SFC) shall state the required crown and bridge assignments to the applicants at the beginning of the clinical simulation examination and shall also clearly post the assignments on the wall. The SFC shall be prohibited from entering the grading area and communicating with the graders

during the grading of the entire examination. Whenever a situation arises that may require direct communication with the clinical floor coordinator (CFC), the SFC and CFC shall meet in the presence of the simulation area monitor and in such a manner that the principles of anonymity are not compromised. The SFC may also disqualify an applicant for failing to abide by the examination requirements and this chapter. The SFC has the authority to determine whether the assigned equipment or work station is physically not satisfactory to the applicant, and the SFC shall make any necessary adjustments to the equipment or work station so that the applicant's performance will not be adversely affected.

- (3) Supervisor of graders. This supervisor shall be a nongrading member or designate by the board who shall be primarily responsible for the grading process and provide supervision over the graders. The supervisor of graders shall also attend and satisfactorily complete the standardization session required by section 16-79-100. The supervisor of graders shall have complete knowledge of the dental licensure examination procedures, the principles of anonymity, and the job descriptions of all persons involved in the administration and grading of the dental examination. The supervisor shall also supervise the grading recorders and the grading area messengers. The supervisor shall ensure that there is no conversation between graders, patients, and any other person related to any matter that may breach the principles of anonymity. The supervisor of graders and graders shall be prohibited from entering the clinical or laboratory areas of the clinic during the examination. The supervisor shall ensure that all persons abide by the anonymous testing procedures provided by this chapter. When a patient has been escorted into an examination operatory room for grading of a dental procedure, the supervisor shall summon a grader to the grading operatory room. Three graders are required to evaluate each part of the amalgam and composite performance and complete the appropriate grading sheet. When the grading has been completed, the grader shall return to the waiting area until summoned again by the supervisor. The supervisor shall direct the movement of the graders and patients as they enter the grading operatory rooms. If a situation arises during the examination that requires direct communication with the clinical area, the supervisor and the clinical floor coordinator shall meet in the presence of the entry/exit area monitor. The

conference shall be conducted in a neutral area and in such a manner as not to affect the principles of anonymity.

(b) Unless otherwise provided by law or by this chapter, the department of commerce and consumer affairs, hereinafter referred to as "department," by and through its director and examination branch, shall be responsible for the administration of the dental licensure examination and that the examination shall be administered in all respects in accordance with the requirements for anonymity and this chapter. In administering the examination, the department shall provide qualified and trained personnel, including but not limited to the following:

- (1) Examination monitor. This monitor shall be primarily responsible for administering the examination and shall supervise all monitors or other persons who assist the department to administer the examination. The examination monitor shall ensure that the various documents related to the examination and the applicant's dental performances during the examination have been maintained pursuant to the anonymous testing procedures provided by this chapter. The monitor shall also have complete knowledge of the dental examination procedures, the principles of anonymity, and the job descriptions of all persons involved in the administration and grading of the licensure examination. Job descriptions for the various examination monitors, graders, or other persons involved in administering or grading the examination shall be prepared and maintained by the examination monitor. The examination monitor is prohibited from entering the grading area and shall ensure that the anonymous testing procedures provided by this chapter are implemented.
- (2) Clinical check-in monitor. This monitor will ensure that the applicant has properly checked in at the dental clinic to perform the operative sections of the examination. Upon presenting proper identification, the clinical check-in monitor shall record next to the applicant's name, the randomly selected badge number on the clinic check-in log. The clinical check-in log shall not be revealed to any grader and shall be secured at all times to prevent the unauthorized disclosure of the applicant's personal identification.
- (3) Simulation check-in monitor. This monitor shall ensure that the applicant has properly checked in at the dental clinic to perform the clinical simulation sections of the examination. Upon presenting proper identification, the simulation check-in monitor shall record next to the applicant's name, the randomly selected badge number on the laboratory check-in log. The laboratory check-in log shall not be revealed to any grader and shall be secured at all times to

prevent the unauthorized disclosure of the applicant's personal identification.

- (4) Clinical area monitor. This monitor shall assign the examination applicants to the clinical operatory rooms and monitors the flow of patients between the assigned operatories and the grading area. The clinical area monitor shall record on the operatory control log the applicant's badge number, the assigned operatory room, the randomly selected clinical packet number, and the various times a patient would check out and in from the operatory room for the grading of a required dental procedure.
- (5) Simulation area monitor. This monitor shall assign the examination applicants to a previously numbered work bench in the laboratory area and monitors the time an applicant begins and completes the clinical simulation sections of the examination. The simulation area monitor shall record on the laboratory control form the applicant's badge number, the assigned work bench number, the randomly selected clinical simulation packet number, and the times when the examination applicant started and completed the required clinical simulation dental procedures.
- (6) Entry/exit grading area monitor. This monitor controls and monitors the flow of all persons traveling between the grading area and the clinical and laboratory areas of the dental clinic so as to ensure complete anonymity. The entry/exit grading area monitor shall not permit into the grading area any examination applicant, clinical area messengers, clinical and simulation floor coordinators, examination monitor, or any other person who can identify or relate an applicant's dental performances to the applicant. The monitor shall also ensure that any patient entering the grading area has no identifying marks, including names, numbers or other markings other than the appropriate patient badges. The monitor shall also log the exact time whenever a patient enters and leaves the grading area on the entry/exit monitor log. Any conferences between the supervisor of graders and the clinical or simulation floor coordinator or examination monitor shall be conducted in the presence of the entry/exit grading area monitor and in a neutral area near the monitor's desk.

(c) Any person involved in the administration or grading of the licensure examination shall be disqualified from participating in the examination in which the person is a close personal friend or relative related within the third degree by blood or marriage, or has any business, financial, or other pecuniary

interest, with any applicant taking that examination. [Eff and comp 8/20/90]  
(Auth: HRS §§448-6, 448-10) (Imp: §§448-9, 448-9.5, 448-10, 448-17)

§16-79-94 Examination instructions to applicant. The examination schedule and the specific examination procedures required to complete the examination shall be further described in a document entitled "Instructions and Information For the Hawaii Dental Licensure Examination and Attachments (date)." The instructions, information, and procedures provided in the document shall be consistent with this chapter and shall be provided to all applicants no later than three weeks prior to the examination. An applicant shall be allowed to bring that document and this chapter into the examination site for further reference. All applicants shall strictly comply with the specific instructions and procedures stated in the document and in this chapter. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-95 Anonymity of the licensure examination. The department and the board shall ensure that the licensure examination is anonymous in all respects and that said examination shall exclude the possibility of any consideration of factors unrelated to the competency of the applicant. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-96 Anonymous testing procedure; physical separation. (a) The anonymous testing procedures for the licensure examination shall exclude the possibility that any person who is involved with the grading of the examination may know, learn of, or establish the identity of an applicant, or relate or connect the patient or work-product graded or to be graded to a particular applicant. The procedures shall include the following double blind system:

- (1) Written examination.
  - (A) Applicant shall be notified at least three weeks prior to the written examination of the date, time, and location for the examination;
  - (B) To be admitted into the written examination room, all applicants shall present appropriate personal identification with a photograph and signature to an examination monitor;
  - (C) The applicant shall randomly select a badge number and the examination monitor shall record the number on the written examination sign-in log which shall also record the

- candidate's name, signature, and social security number;  
and
- (D) The applicant's badge number shall be written on the written examination. No personal identification marks shall appear on the written examination.
- (2) Operative examination.
- (A) Applicants shall bring their own armamentarium necessary to perform the required dental procedures, including their own high speed turbine handpiece and slow speed handpiece;
  - (B) Applicants shall be admitted into the designated examination location on a first-come, first-served basis and shall present appropriate personal identification with a photograph and signature to the clinical check-in monitor who will record the applicant's randomly selected badge number on the clinical check-in log;
  - (C) The clinical check-in monitor shall also record the patients' names and any dental assistant on the clinical check-in log. The log shall be secured by the monitor at all times to prevent the unauthorized disclosure of the applicant's name to any person during the examination;
  - (D) The applicant shall be escorted or directed to the clinical area monitor's desk where the applicant will be assigned an operatory room. The clinical area monitor will record the operatory room assigned to the applicant on an operatory control log which shall also record the applicant's badge number and the number on a clinical packet (large manila envelope) that will be randomly selected by the applicant. The packet shall contain the following:
    - (i) Two patient badges (one for the amalgam patient and one for the composite patient);
    - (ii) Two small envelopes (one labeled "CAST" and the other envelope will be used to contain the applicant and patient badges at the end of the examination);
    - (iii) One envelope labeled "ENDO";
    - (iv) One large envelope;
    - (v) One amalgam and one composite worksheet; and
    - (vi) Three adhesive tags.
  - (E) The applicant shall proceed to the assigned operatory room and prepare for the arrival of the applicant's patient;

- (F) The applicant shall write only the date and patient's badge number on the amalgam and composite worksheets. No personal identifying marks shall appear on the worksheets. The patient must wear the patient badge throughout the examination until dismissed by the clinical floor coordinator;
- (G) Upon completion of a required dental procedure, a clinical area messenger shall escort the patient to the grading area messenger who shall escort the patient to the entry/exit grading area monitor's desk. The clinical area monitor shall log the time a patient leaves and returns to the operatory room on the operatory control log;
- (H) At the entry/exit grading area monitor's desk, the monitor shall record on an entry/exit monitor log the patient badge number and the time the patient check into and checked out of the grading area;
- (I) The patient is escorted from the entry/exit grading area monitor's desk into the grading area by a recorder;
- (J) The clinical and laboratory areas shall be physically separated from the grading area. During the entire practical examination, the graders shall be located in the grading area and are required to remain physically isolated from the clinical area where the practical procedures are being performed by applicants;
- (K) The graders shall record on the grading sheet the patient number and the point score for the dental procedure being graded. The department shall use paper that will provide a duplicate copy of the grading sheets during the examination;
- (L) When the grader has completed grading the dental procedure, the grade sheet shall be reviewed by the supervisor of graders for completeness. The grading monitor shall separate each grading sheet. The grading monitor shall retain the front (face) sheet and shall immediately record the grades. The back copy of the grading sheet shall be put into a separate secured container maintained by the supervisor of graders;
- (M) When the graders have completed grading the dental procedure, the patient shall be escorted back to the operatory;

- (N) At the end of the clinical operative examination, applicants shall turn in the clinical examination materials to the clinical area monitor under the following procedures:
  - (i) The applicant shall place the applicant's badge and the two patients' badges into the unmarked small envelope and shall write in ink the applicant's name and social security number on the envelope. This small envelope shall be placed into the large envelope and the operating room number shall be written in ink on the large envelope;
  - (ii) The applicant shall place the amalgam cavity preparation poured cast into the envelope which has been labeled "CAST" and write in ink the amalgam patient badge number on the envelope;
  - (iii) The radiographs and examination worksheets (amalgam and composite) shall be placed in the large manila envelope;
  - (iv) To turn in the endodontic work, the applicant shall write the applicant's badge number on each of the three adhesive tags. One of the tags shall be attached to the endo block, one to the radiograph and one on the envelope marked "ENDO" that shall be used to enclose the plaster block; and
  - (v) The following envelopes shall be given to the clinical area monitor at the end of the examination: the large envelope containing the three badges; the envelope labeled "CAST"; the large manila envelope; and the envelope labeled "ENDO."
- (3) Clinical simulation examination.
  - (A) Applicants shall bring their own armamentarium necessary to perform the required dental procedures, including their own high speed turbine handpiece, slow speed handpiece, and their own alcohol or gas burner;
  - (B) Applicants shall be admitted into the designated examination location on a first-come, first-served basis and shall present appropriate personal identification with a photograph and signature to the simulation check-in monitor who will record the applicant's randomly selected badge number on the laboratory check-in log. The laboratory check-in log shall be secured by the monitor at all times to



prevent the unauthorized disclosure of the applicant's name to any person during the examination;

- (C) The applicant shall be escorted or directed to the simulation area monitor's desk where the applicant shall be assigned a previously numbered work bench in the laboratory area. The simulation area monitor shall record the assigned operatory room work bench number, applicant's badge number, and the randomly selected clinical simulation packet number on the laboratory control log. The clinical simulation packet shall contain the following:
  - (i) A simulation badge number;
  - (ii) Two small empty envelopes;
  - (iii) One large envelope; and
  - (iv) Adhesive tags.
- (D) Applicants should proceed to their assigned work bench and may start with any of the required dental procedures;
- (E) The mannequin with mask, dentoform, articulator, and mount shall be in place at each assigned work area. Under no circumstances shall the dentoform or rubber mask be removed or displaced from within the head or buccal plates or off the mannequin rod;
- (F) On the day of the examination, the tooth, tooth surfaces, and the required preparation will be announced by the simulation floor coordinator. The work shall only be performed on the tooth specified; and
- (G) The applicant shall turn in the required clinical simulation performances under the following procedures:
  - (i) The applicant shall write the applicant's simulation badge number on each of the adhesive tags enclosed in the simulation packet. For the crown and bridge and class II amalgam preparation, the applicant shall place one of the numbered tags on the upper half of the dentoform, another tag on the lower half of the dentoform, and another tag on one of the small envelopes. The wax pattern and die shall be enclosed in the small envelope with the numbered tag on it;
  - (ii) The applicant's crown and bridge and amalgam work in the mannequin shall be left at the assigned work bench. The envelope containing the

- applicant's wax pattern and die shall also be left at the applicant's assigned work bench;
- (iii) The applicant's badge and simulation badge shall be placed in another small envelope and the applicant's name and social security number shall be written in ink on the envelope; and
  - (iv) The applicant shall place the small envelope containing the badges into the large envelope. The applicant's assigned work bench number shall be written in ink on the large envelope. After a laboratory technician has inspected the work bench area, the large envelope shall be given to the simulation area monitor.

(b) During the entire practical examination, the graders shall be located in a separate grading area and are required to remain physically isolated from the laboratory and clinical operatory areas where the practical procedures are being performed by applicants. The movement of patients from the operatory area to the grading area shall be controlled by the use of messengers and recorders. The applicant, board, and the department shall eliminate all means of visual and expressed personal identification which could directly or indirectly associate a patient with the applicant or applicant's performance. Any grader who can identify or relate an applicant's performance to an applicant shall be disqualified from grading an applicant's performance. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-97 Breach of anonymity by applicant, patient, or other person. No applicant, patient, or other person shall reveal the identity of any applicant to a grader. The disclosure of an applicant's identity by that applicant or the applicant's patient to a grader may be cause to disqualify that applicant. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-98 Duty to report breach of anonymity. Any applicant, patient, grader, board member, or any other person who observes or obtains information regarding any breach of anonymity shall immediately report such breach either to a board member, an examination monitor, the licensing administrator for the professional and vocational licensing division in the department of commerce and consumer affairs, or to the state attorney general for appropriate action. Upon the receipt of any information regarding a breach of anonymity, the information shall

be immediately recorded and reported to the board and department, investigated, and recorded in the report on the dental licensure examination required under section 16-79-115 with a statement of the investigation's findings and any action taken to remedy any adverse effects of the breach of anonymity. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-99 Appointment of examination graders. (a) The board shall appoint examination graders from a pool of eligible graders to grade the practical sections of the licensure examination.

(b) Each grader shall comply with the rules, procedures, and instructions for the dental licensure examination, including the anonymous testing procedure and the established comprehensive written criteria that shall be the sole and exclusive standard by which to measure and grade the dental skills of a candidate. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-100 Selection of eligible graders; standardization session. (a) In order to be eligible for selection as an examination grader, a Hawaii licensed dentist must meet the following minimum qualifications:

- (1) Has been actively engaged in the practice of dentistry in Hawaii for five years immediately preceding selection;
- (2) Has demonstrated interest in continuing dental education; and
- (3) Is not a close personal friend or relative related within the third degree by blood or marriage, or does not have any business, financial, or other pecuniary interest, with any applicant taking the examination in which the grader will be grading.

(b) Prior to each examination, the chairman of the board shall determine the number of graders that will be needed to grade the examination. Upon such determination, the chairman shall establish a pool of qualified dentists from which the examination graders will be selected. In forming this pool, the chairman will initially contact those dentists who have previously graded the licensure examination and whose past performance is deemed satisfactory based on post-examination grader variance statistics compiled by the department.

(c) Those dentists forming the pool from which the graders will be selected shall attend every pre-examination standardization session provided by the department. The qualified dentists shall be standardized by a dentist appointed to the faculty of a college of dentistry who has demonstrated knowledge and has experience in dental examination testing; or, a grader or dental examiner from

another state or a regional dental board. At the conclusion of the standardization session, each dentist shall be tested by the department on the dentist's ability to adhere to and apply the examination grading criteria. Each dentist shall then be rank-ordered by the department based on the dentist's performance on the standardization test. A dentist shall not be ranked and shall be disqualified by the department if the dentist exceeds a critical difference of thirteen per cent in grader variance on the standardization test. The rank-ordered list of eligible graders shall then be submitted by the department to the board for its approval. If the board rejects any eligible grader presented by the department, the board shall return to the rank-order list of eligible graders and shall recommend the next remaining dentist from the pool based on their rank-order. Any board member who will also be an examination grader shall attend the standardization session and perform to the standards as provided in this section.

(d) Subsequent to the licensure examination, the department shall compile post-examination variance statistics for each examination grader. The statistics shall be utilized in determining whether a particular grader will be requested to participate in any future pools of prospective graders. Any examination grader who exceeds a critical difference of thirteen per cent in grader variance on two consecutive licensure examinations shall be disqualified from grading any subsequent examination until the grader has attended two consecutive standardization sessions and has not exceeded a critical difference of thirteen per cent in grader variance on each of the two standardization tests.

(e) No dentist shall be permitted to grade for more than four consecutive years or eight consecutive examinations. Any such dentist may be eligible again for the pool of prospective graders after not grading for a period of one examination. This prohibition may not be enforced if the dentist is subsequently appointed to be a member of the board. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-101 Patients; rejection. (a) Applicants are responsible for providing their own patients at the operative sections of the examination. A patient that does not have a suitable carious lesion and is not between the ages of eighteen and sixty-five shall be rejected by the board.

(b) A patient may also be rejected for the following reasons:

(1) The patient has a condition, which interferes with the evaluation of the patient, such as acute periodontal or periapical abscesses; or, which may be hazardous to the patient or other patients, applicants, or graders; or, has an infection, or other medical condition such as but not limited to hepatitis, active herpetic lesions or necrotizing ulcerative gingivitis;

- (2) The treatment proposed by the applicant demonstrates improper patient management, including contraindicating medical status of the patient, grossly poor oral conditions, other pathology related to the tooth to be treated, or selection of a restoration that is not suited to the patient's biological or cosmetic requirements;
  - (3) The patient is a dentist or dental student; or
  - (4) A patient has a health condition (e.g., heart murmur, rheumatic fever, heart condition) that indicates a need to consult the patient's physician; unless, the candidate has obtained the necessary clearance from the patient's physician.
- (c) In the event that a patient has been rejected on the day of the examination, it shall be the applicant's responsibility to have an alternate patient available. Applicants who fail to have any patient approved on the day of the examination shall receive a grade of zero for the section of the examination in which a patient was required. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-102 Patient pool. (a) The department shall make reasonable efforts to offer a pool of potential patients for screening by the applicants at a designated time and place prior to the practical examination.

(b) The department shall publish advertisements in a newspaper of general circulation, and make announcements at the various community colleges and the University of Hawaii, that will request volunteer patients between the ages of eighteen and sixty-five, and who have suitable dental carious lesions that will be restored without cost to the patient.

(c) Applicants may select as many patients as necessary and may also select alternates if there are sufficient eligible patients. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-103 Examination grading system; criterion referenced. (a) In the licensure examination, the board shall utilize a criterion referenced grading system, which shall require that the grade for each section of the examination shall be determined by utilizing a 0-5 point system as follows:

- 0 - Highly unsatisfactory (critical errors) (failing grade)
- 1 - Unsatisfactory (gross errors) (failing grade)
- 2 - Minimally unsatisfactory (marked errors) (failing grade)
- 3 - Minimally satisfactory (moderate errors) (passing grade)
- 4 - Satisfactory (slight errors) (passing grade)
- 5 - Ideal (passing grade)

(b) The licensure examination shall be graded by using the following weighed values for each section:

- (1) Class II amalgam procedure on a patient: 20 per cent
  - (A) Preparation 60 per cent
  - (B) Restoration 40 per cent
- (2) Class III or IV acid-etch composite procedure on a patient: 25 per cent
  - (A) Preparation 40 per cent
  - (B) Restoration 60 per cent
- (3) Endodontic procedure on an extracted molar and an anterior tooth mounted in plaster: 5 per cent
- (4) Differentiation evaluations: 10 per cent
- (5) Crown and bridge - porcelain fused to metal or an onlay preparation or a three-fourth crown preparation: 10 per cent
- (6) Crown and bridge: 15 per cent
  - (A) Full crown preparation 70 per cent
  - (B) Construction of a die and wax pattern from a full crown preparation 30 per cent
- (7) Class II amalgam preparation on a mannequin: 10 per cent
- (8) Written examination: 5 per cent

(c) The board utilizes a criterion reference grading methodology and results are not graded on a curve. The grade for each procedure is determined by the use of a grading system utilizing a 0 - 5 point system. In this system, a 3.00 is designated as a pass, a 5.00 is ideal, and a 0 is a critical failure. Each grade point shall be referenced to a specific grading criterion pursuant to the examination grading criteria provided in section 16-79-105. Three graders shall evaluate each step of each procedure.

- (1) When all three graders agree on the grading of a procedure, an average of all three grades will be the final grade; or
- (2) In cases where two graders evaluate a procedure as passing (3.00 and above) and one grader evaluates a procedure as failing (less than 3.00), the failing grade will be deleted. Conversely, if two graders evaluate a procedure as failing and one grader evaluates it as passing, the passing grade will be deleted. When one grade is deleted, the final grade will be the average of the two remaining grades.

(d) Failure of an applicant in any practical procedure shall be documented on the grading sheet used by the grader. Documentation may be supplemented through the use of "comments" contained on the grade sheet. The "comments" section shall contain any technical terms or charts that define, illustrate, or otherwise explain the criteria utilized in grading a particular

procedure. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-104 Passing score. To qualify for licensure, an applicant must achieve an overall passing score of 3.00 that incorporates the calculations and the assigned weights for the grades obtained in each section of the licensure examination under the criterion referenced grading system. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-105 Examination grading criteria. (a) The grading of the practical sections of the dental licensure examination shall be based solely on the written grading criteria provided in Appendix A, entitled Grading Criteria for the Practical Sections of the Hawaii Dental Licensure Examination, dated August 1990, located at the end of this chapter and is made a part of this section and this chapter. The grading criteria stated in Appendix A shall not be repealed or amended without a prior determination by the board that the change or modification shall maintain anonymity and the reliability and validity of the licensure examination. There shall be established a grading criteria for the following sections of the practical examination:

- (1) Wax pattern;
- (2) Amalgam restoration;
- (3) Cavity preparation for amalgam;
- (4) Crown and bridge preparation;
- (5) Endodontic access preparation;
- (6) Cavity preparation for composite; and
- (7) Composite restoration.

(b) The practical sections of the examination shall also include a section on differentiation evaluations that will require an evaluation of a number of dental cases by the applicant within a specified time period.

(c) The written examination shall include sections on infection control, oral diagnosis, treatment planning, and dental materials that shall test the applicant's ability to recognize and institute treatment on oral pathology, as well as to test the applicant's knowledge, understanding and judgment in diagnosis, oral medicine, radiology and comprehensive treatment planning.

(d) The written criteria provided in this section and in Appendix A shall be the sole and exclusive standard by which to measure and grade the dental skills of an applicant. Each grader shall grade each applicant independently according to the written criteria and without consultation with any person or

comparison with any other grader during the entire examination. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-106 Practical examination time periods; extensions. (a) Unless an applicant has been authorized an extension of time by the CFC, only the following time periods shall be allowed an applicant to complete the various sections of the practical examination:

- (1) Operative: Six-and-a-half hours; and
- (2) Clinical simulation: Seven hours.

(b) The time shall commence for the operative portion of the examination upon the presentation of the first patient for approval.

(c) The amount of time spent in grading a dental procedure shall not be considered in the overall allotted time.

(d) Applicants may not be allowed an extension of time to complete a dental procedure unless an extension has been requested by the applicant and authorized by the CFC. An extension of time shall only be authorized for extraordinary circumstances such as administrative or mechanical delays and any other matter beyond the control of the applicant. The CFC shall record on the worksheet any request for extensions of time, the time the request was made, the reason for the request, and the decision to accept or reject the request.

(e) Unless an extension of time has been previously authorized, a procedure not completed within the allotted time shall be given a grade of zero for that portion of the examination.

(f) It shall be the applicant's duty to report any and all circumstances beyond the applicant's control, including mechanical failures at the dental clinic, that will adversely affect the applicant's ability to complete the required dental procedures within the allocated time periods. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-107 Disqualification from the examination. An applicant may be disqualified from the examination for any act which interferes with the board's objective of evaluating the professional competence of an applicant, including but not limited to the following:

- (1) Violating the instructions and rules that have been adopted for the uniform conduct of the dental licensure examination;
- (2) Breach of anonymity;
- (3) Gross mismanagement of a patient;



- (4) Mislabeling, altering, or contriving to represent other than the patient's true condition on a radiograph;
- (5) Leaving the examination area during the examination without prior approval; or
- (6) Using a textbook, outline, and any other dental references, except the document entitled "Instructions and Information For The Hawaii Dental Licensure Examination and Attachments (date)." [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-108 Notification of licensure examination results. The department shall compile the examination results and notify the applicant whether the applicant has passed or failed the licensure examination within thirty days after the last day of the entire examination. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-109 Review of examination results. Any applicant failing the dental licensure examination shall be entitled to a review of the applicant's examination questions, answers, papers, grades, and examination materials or exhibits. The review shall be promptly scheduled by the department and an applicant is not authorized to copy examination questions or otherwise remove any examination material or exhibit. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-110 Informal examination review. (a) Any applicant failing the dental licensure examination shall be entitled to an informal review of the applicant's examination results with an informal grade reviewer appointed by the department. The informal grade reviewer shall be selected by the department from the pool of eligible graders who have attended the pre-examination standardization session and performed satisfactorily on the standardization test provided by section 16-79-100. The reviewer shall not be either a board member or have participated in grading the examination from which the failing applicant seeks a review.

(b) Within thirty days after being notified of the applicant's examination results, the applicant shall notify the department, either orally or in writing, of a desire to informally review the applicant's examination answers, papers, grades, and examination materials or exhibits. Any such communication shall be treated as a request for an informal review that shall be completed within the next thirty days unless otherwise extended upon request by the applicant.

(c) Upon providing notification to the department that an applicant seeks an informal review, the sixty-day time period to request a formal contested case hearing pursuant to chapter 91, HRS, and chapter 16-201, shall be tolled until the date the applicant has been notified of the board's decision regarding the results of the informal review.

(d) At the informal examination review, the informal grade reviewer will be present to receive any objection presented by the applicant. The informal grade reviewer shall, in a nonadversarial format, assist the applicant in understanding how the particular grade may have been derived. During the informal review session, the reviewer shall not render a personal verbal opinion regarding the merits. The applicant may also submit written objections to the informal grade reviewer within ten days after the informal grade review session.

(e) The informal grade reviewer shall address every oral and written objection presented by the applicant during the informal review session in a written report submitted to the board within thirty days after the informal review session. A copy of the report shall be mailed to the applicant. The informal grade reviewer's written report shall include a detailed statement of the applicant's objections; the reviewer's findings; and, a recommendation whether the challenged parts of the licensure examination should be regraded. The reviewer's written report shall be considered by the board at the next board meeting as an official agenda item. The applicant shall be given notice of the board meeting and may present oral arguments to the board.

(f) The informal grade reviewer shall recommend that an applicant's licensure examination be regraded upon making any of the following findings:

- (1) The applicant has demonstrated a factual basis to believe that the anonymity of the examination has been breached;
- (2) The original grade awarded was inconsistent with the written examination grading criteria; or
- (3) There was a substantial disadvantage to the applicant. Substantial disadvantage may involve improper administration of any aspect of the licensure examination, including but not limited to any disadvantage due to the allocation of time or to the disruptive or unprofessional attitudes or responses that would adversely affect any applicant taking the licensure examination.

(g) If the board adopts the informal grade reviewer's recommendation that the original grade awarded need not be regraded, then the applicant shall be notified of the board's decision and the remaining number of days within which to request a formal contested case hearing pursuant to chapter 91, HRS, and chapter 16-201. The department shall also advise the applicant of the procedures to obtain copies of chapter 91, HRS, and chapter 16-201.

(h) If the board adopts the informal grade reviewer's recommendation that the applicant's examination should be regraded, then the board shall regrade the applicant's examination in accordance with section 16-79-111. The board shall also appoint three graders from the pool of eligible graders provided in section 16-79-100, and who were not graders during the examination, to regrade the applicant's examination. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-111 Regrading; examination void. (a) If the board determines that the original grade awarded was inconsistent with the written examination grading criteria, the board shall require that any section challenged by the applicant shall be regraded by three qualified graders, who are not board members and were not graders during that examination, in accordance with the examination grading criteria provided in section 16-79-105.

(b) If the board determines that anonymity has been breached, the examination shall be regraded by substituting the grades obtained by the applicant for the class II amalgam preparation on the mannequin for the grades obtained on the amalgam and composite preparations on the patient. If the substituted grade for the class II amalgam preparation on the mannequin, when combined with the grades for the other sections of the examination provide a passing grade, the applicant shall be determined to have passed the entire examination.

(c) If the board determines that there was a substantial disadvantage to the applicant, the board may provide any remedy it deems appropriate to negate the negative effects of the disadvantage, including but not limited to regrading a section of the examination; allowing the applicant to retake any section of the examination prior to the next scheduled dental licensure examination; or, substituting the grades obtained by the applicant for the class II amalgam preparation on the mannequin for the grades obtained on the amalgam and composite preparations on the patient.

(d) If the anonymous testing procedures and grading requirements provided by this chapter have been violated or breached to an extent that the integrity of the entire licensure examination has been compromised, the department and the board shall declare the licensure examination results for all applicants to be void and shall immediately reschedule another dental licensure examination for all applicants. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-112 Request for contested case hearing relief. (a) Any applicant failing the dental licensure examination shall notify the board, in writing, within sixty days of the date the applicant received notification of the applicant's

examination results, unless tolled by the applicant's request for an informal grade review under section 16-79-110, that the applicant will request a contested case hearing, pursuant to chapter 91, HRS, and chapter 16-201, regarding the board's determination that the applicant be denied licensure by failing the State dental licensure examination. The applicant shall state with specificity the grounds of appeal, particular examination questions or procedures objected to, and the objections.

(b) The applicant shall have the burden of proving by a preponderance of the evidence that:

- (1) There was a breach of anonymity;
- (2) The grade awarded was inconsistent with the grading criteria;
- (3) There was a substantial disadvantage to the applicant; or
- (4) The applicant was aggrieved by any action of the board or department.

(c) If the applicant should prevail in the contested case, the board shall provide appropriate relief, including but not limited to regrading any section of the examination as provided in section 16-79-111, or if necessary, to declare the entire examination results for all applicants to be void.

(d) If the awarded grade on appeal, when added to the previously awarded nonchallenged grades, results in a passing grade for the entire examination, the applicant shall be licensed to practice dentistry forthwith, retroactively to the date upon which the applicant would otherwise have been licensed. [Eff and comp 8/20/90] (Auth: HRS §§91-9, 91-9.5, 91-10, 91-11, 91-12, 91-13, 91-13.1, 448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-113 Exemption. Any applicant failing the dental licensure examination, who received a passing grade for five or more sections in the licensure examination and desires to retake the examination, shall be exempt from re-examination of such sections only in the subsequent examination immediately following the examination in which the applicant had obtained the passing grades. If an applicant fails to obtain a passing grade for any section retaken in the subsequent examination, the applicant shall be required to retake the entire dental licensure examination. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-114 Postgraduate studies after three failures. Any applicant, including a graduate of an accredited or a foreign dental college, that fails the State dental licensure examination or the restorative technique examination after

three attempts, shall successfully complete a postgraduate course of one full semester in operative and prosthetic dentistry at an accredited dental college before the applicant is eligible to take another dental licensure examination. The course completion shall be evidenced by a certificate filed with the board. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-115 Report on the dental licensure examination; public inspection; impartial observer. (a) Within sixty day after each dental licensure examination, the department shall prepare a report on the dental licensure examination.

(b) The report shall include but not be limited to statistical analysis reports that will provide a correlation report among the graders; correlation report on all parts of the examination; and a report on the performance of each part of the examination. The report shall also include findings or observations regarding the calibration session; the grader standardization examination; the conduct at the examination; the record of any reported breach of anonymity under section 16-79-98; the pass/fail rates; the validity and reliability of the examination; and a listing of the names of all persons and graders who participated in the examination. The department shall also make any recommendation regarding the administration or the grading of the examination to the board.

(c) The report shall be maintained by the department for public inspection; provided the names of applicants who fail the examination and which also identify a grader's grading correlation among other graders, shall be kept confidential by the department, unless otherwise required by law.

(d) The department shall appoint an impartial observer to monitor at least once every five years, two consecutive dental licensure examinations for a determination whether the examination was conducted in accordance with the requirements for anonymity, reliability, validity, content, and this chapter. The impartial observer shall submit a written report of the observer's findings, conclusions, and any recommendations to the department. The impartial observer shall be a dentist appointed to the faculty of a college of dentistry and who has demonstrated knowledge and experience in dental examination testing. [Eff and comp 8/20/90] (Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

§16-79-116 Dental hygienist licensure examination. (a) Each applicant for a dental hygienist license shall submit with the application for examination in dental hygiene a certificate evidencing satisfactory completion of the National

Board Dental Hygiene Examination which was taken within the past five years prior to the first day of the state dental hygienist licensure examination.

(b) An applicant for a dental hygienist license shall take and pass a written clinical examination and practical examination. [Eff and comp 8/20/90]  
(Auth: HRS §§448-6, 448-10) (Imp: HRS §§448-9, 448-9.5, 448-10, 448-17)

Amendments to and compilation of chapter 16-79 on the Summary page dated July 31, 1990, were adopted on July 31, 1990, following public hearing held on July 16, 1990, after public notices were given on Sunday, June 10, 1990, in the Honolulu Sunday Star-Bulletin and Advertiser, the Hawaii Tribune-Herald in Hilo, Hawaii, West Hawaii Today in Kailua-Kona, Hawaii, the Maui News and in the Kauai Times on Wednesday, June 13, 1990.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Martin H. Zais, D.D.S.

Martin H. Zais, D.D.S.  
Chairman, Board of Dental Examiners

APPROVED AS TO FORM:      Date 8/7/90

/s/ Winfred K.T. Pong

Deputy Attorney General

APPROVED:      Date 8/8/90

/s/ Robert A. Alm

ROBERT A. ALM

Director of Commerce and Consumer Affairs

APPROVED:      Date 8/10/90

/s/ John Waihee

JOHN WAIHEE

Governor  
State of Hawaii

August 10, 1990

Filed

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendment and Compilation of Chapter 16-79  
Hawaii Administrative Rules

July 31, 1990

SUMMARY

1. §16-79-9 is added.
2. §§16-79-10 and 16-79-11 are amended.
3. §§16-79-14 and 16-79-15 are amended.
4. §§16-79-21, 16-79-22 and 16-79-24 are repealed.
5. §§16-79-28, 16-79-29, 16-79-30, 16-79-31, and 16-79-33 are repealed.
6. A new subchapter 12 (§§16-79-90 through 16-79-116) is added.
7. Chapter 79 is compiled.